

Shikeb Saddozai-CDGR#AY1590
Corcoran State Prison
P.O.Box 3461
Corcoran C.A. 93212
In Pro se

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SUSAN Y. SOONG
CLERK, U.S. DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

SHIKEB SADDOZAI,
Plaintiff

Case No.18-cv-05558-BLF

PROPOSED AMENDED COMPLAINT

v.

CLAWSON,
RON DAVIS,
DIRECTOR OF THE
CALIFORNIA DEPARTMENT
OF CORRECTIONS AND
REHABILITATIONS,

Defendants.

3. At all times relevant hereto, defendant, Clawson, is a correctional officer employed with the California Department of Corrections and Rehabilitation, to perform duties at the San Quentin State Prison institution. At all times defendant, Clawson, was acting in such a capacity as the agent, servant, and employee, under the color of state law pursuant to his authority under the California Department of Corrections and Rehabilitation, and is sued individually, and in his official capacity. Defendant, Ron Davis is the Warden for San Quentin State Prison, and held liable for the policy decisions, writes regulations, or gives orders, failed in his duty to act upon notice, reports, appeals, and knowledge, promulgated a policy that does direct or condone the wrongful conduct of defendant, Clawson, whom had in his possession, pepper spray, that is less likely to relate to death or serious bodily injury, and deliberately failed the use of alternatives to the immediate use of deadly force, acted with deliberate indifference shot Saddozai with his block gun, to cause plaintiff Saddozai, intentional injury, damage, and unwarranted due to Saddozai being the victim, and who defendant Clawson, failed to protect from harm. Defendant, The Director of the California Department of Corrections and Rehabilitation, is held liable for Warden Ron Davis's actions, who are prison policymakers, writes regulations, or gives orders, at least for the purpose of prison management and reaches the level of deliberate indifference, failing to ensure plaintiff is free from cruel and unusual punishment, including the right to be free from unjustified and excessive force utilized by correctional officer Clawson, resulting in U.S. Constitutional violations under the Fourth, Fifth, Eighth, and Fourteenth Amendments, while plaintiff Saddozai is a convict under direct criminal appeal for custody offense, who's criminal conviction is not finalized, and as such defendants actions effected plaintiff's personal liberty, and the Court has supplemental jurisdiction over plaintiff's State law claims under 28 U.S.C. § 1346.

Dated: January 31, 2020

Respectfully submitted

Shikeb Saddozai-CDCR#AY1590
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